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FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			FERGUSON, KEITH	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,657

Applicant(s)

SKINNER ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Soini et al. and George et al..

Regarding claims 1 and 3, Miller discloses a handheld computer system (portable data phone which provides internet and organizer functions) (fig. 1 number 22 and col. 3 lines 65 through col. 4 line 23), comprising a housing (col. 3 lines 19-24), a display (screen) (fig. 1 number 26), a processor (controller) coupled to the display (screen) (fig. 1 numbers 24 and 26), a rechargeable battery (fig. 1 number 40) configured to power the processor (controller) and the display (screen) (col. 4 lines 24-30), a recharging connector (inherent, as the rechargeable battery is connected to an external power source

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52, as taught in col. 4 lines 26-50) is coupled to the rechargeable battery (col. 4 lines 23-50), a recharger (DC power supply, switch, filter, feedback control circuit and feedback sensor) coupled to the recharging connector (col. 4 lines 27-50) which provides charge to the rechargeable battery (col. 4 lines 27-50), and a radio frequency transceiver (fig. 1 number 34) coupled to the processor (fig. 1 numbers 35 and 24 and col. 4 lines 11-14) and powerable by the battery (col. 4 lines 12-30), when the battery has a charge above a predetermined low level (inherent, as the normal operating mode before needing to be charged by charger or need of a replacement of batteries, as taught in col. 4 lines 23-27), and the charger provides charge to the rechargeable battery (col. 4 lines 26-50) and to the transceiver (i.e. the transceiver 34 is connected to the rechargeable battery 40 when connected to the DC supply 52 while the rechargeable battery is being charged) (fig. 1 numbers 34, 40 and 52 and col. 6 lines 6-50) and the rechargeable battery can be charged while simultaneously operating the data phone (col. 4 lines 6-30). Miller differs from claim 1 of the present invention in that it does not explicitly disclose the transceiver configured to send and receive data while the battery charge is below the low level, the battery unable to power the transceiver when the charge is below the low level,

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the recharger provides charge to the rechargeable battery and to the transceiver, the low level being a level which the battery is unable to power the transceiver when the charge is below the low level. Soini et al. teaches a multi-service mobile station used for data, notebook, PDA, mobile, and calendar services (paragraph 0001 lines 1-11 and paragraph 0014 lines 1-3) which a transceiver configured to send and receive data while the battery charge is below the low level (inherent, since a warning is given to the user through the display when the battery drops below a pre-limit value 1warning 32), if the voltage over the battery drops further below preset limit value 2warning 33, the multi-service mobile station cuts off power supply to the telephone module which are connected with the transmission and reception of messages by radio, as taught in paragraph 0040 lines 1-9 and since the data traffic is not cut off until the battery level drops below the preset limit value, power off 35, taught in paragraph 0042 lines 1-5), the battery unable to power the transceiver when the charge is below the low level (paragraph 0040 lines 7-10). George et al. teaches an apparatus for recharging a rechargeable battery in a hand held transceiver while maintaining communications capability through the transceiver when the rechargeable battery is unable to power the transceiver (abstract, col. 1 lines 9-18 and col. 1 lines

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40-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller transceiver with a transceiver configured to send and receive data while the battery charge is below the low level, the battery unable to power the transceiver when the charge is below the low level, and the recharger provides charge to the rechargeable battery and to the transceiver, the low level being a level which the battery is unable to power the transceiver when the charge is below the low level in order for the data phone to continuously transmit and receive data while the rechargeable battery is recharging, thereby providing continuous power to the transceiver while powering the battery when using internet service, as taught by Soini et al. and George et al..

Regarding claim 14, Miller discloses a handheld computer (portable data phone which provides internet and organizer functions) (fig. 1 number 22 and col. 3 lines 65 through col. 4 line 23), comprising: a housing (col. 3 lines 19-24); a display (screen) supported by the housing (fig. 1 number 26); a processor controller coupled to the display (screen) (fig. 1 numbers 24 and 26); a rechargeable battery (fig. 1 number 40) configured to power the processor (controller) and the display (screen) (col. 4

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lines 24-30); a recharging connector (inherent, as the rechargeable battery is connected to an external power source 52, as taught in col. 4 lines 26-50) coupled to the rechargeable battery (col. 4 lines 23-50); and a radio frequency (RF) transceiver (fig. 1 number 34) coupled to the processor (controller) and powerable by the battery (col. 4 lines 12-30) when the battery has a charge above a predetermined low level (inherent, as the normal operating mode before needing to be charge by charger or need of a replacement of batteries, as taught in col. 4 lines 23-27), the charging connector receives power from a power source and provides power to the rechargeable battery and to the transceiver (inherent, as the external power source 52 which is connected to the data phone which provides power to the rechargeable battery 40 and thereby provides power to the transceiver 34 since the transceiver is attached to the rechargeable battery 40, as taught in fig. 1 numbers 22,34,40 and 52 and col. 4 lines 12-50, and the rechargeable battery can be charged while simultaneously operating the data phone, taught in col. 4 lines 6-30). Miller differs from claim 14 of the present invention in that it does not explicitly disclose the transceiver configured to send and receive data while the battery charge is below the low level, the battery unable to power the transceiver when the charge is below the low level,

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the recharger provides charge to the rechargeable battery and to the transceiver, the low level being a level which the battery is unable to power the transceiver when the charge is below the low level. Soini et al. teaches a multi-service mobile station used for data, notebook, PDA, mobile, and calendar services (paragraph 0001 lines 1-11 and paragraph 0014 lines 1-3) which a transceiver configured to send and receive data while the battery charge is below the low level (inherent, since a warning is given to the user through the display when the battery drops below a pre-limit value 1warning 32), if the voltage over the battery drops further below preset limit value 2warning 33, the multi-service mobile station cuts off power supply to the telephone module which are connected with the transmission and reception of messages by radio, as taught in paragraph 0040 lines 1-9 and since the data traffic is not cut off until the battery level drops below the preset limit value, power off 35, taught in paragraph 0042 lines 1-5), the battery unable to power the transceiver when the charge is below the low level (paragraph 0040 lines 7-10). George et al. teaches an apparatus for recharging a rechargeable battery in a hand held transceiver while maintaining communications capability through the transceiver when the rechargeable battery is unable to power the transceiver (abstract, col. 1 lines 9-18 and col. 1 lines

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40-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller transceiver with a transceiver configured to send and receive data while the battery charge is below the low level, the battery unable to power the transceiver when the charge is below the low level, and the recharger provides charge to the rechargeable battery and to the transceiver, the low level being a level which the battery is unable to power the transceiver when the charge is below the low level in order for the data phone to continuously transmit and receive data while the rechargeable battery is recharging, thereby providing continuous power to the transceiver while powering the battery when using internet service, as taught by Soini et al. and George et al..

Regarding claims 15 and 16, the combination of Miller and George et al. differs from claims 15 and 16 of the present invention in that they do not explicitly disclose a computer program running on the processor, the computer program configured to request access to the RF transceiver and the computer program is an e-mail program. Soini et al. teaches a multi-service mobile station which offers P1 to Pn services such as e-mail service or telefax service (paragraph 0032 lines 1-9 and paragraph 0038 lines 1-26), which is run by a processor (fig. 4

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number 41) (paragraph 0025 lines 1-14), the computer program configured to request access to a telephone module (fig. 4 number 42) (RF transceiver) (i.e. to transmit and receive telefax and electronic mail messages (paragraph 0032 lines 1-10) and send an e-mail message wirelessly through the telephone module through the internet by pressing one key) (paragraph 0038 lines 1-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Miller and George et al. with a computer program running on the processor, the computer program configured to request access to the RF transceiver and the computer program is an e-mail program in order for the data phone to open an electronic mail application and to send a wireless electronic text messages through the internet over a wireless network, as taught by Soini et al..

3. Claim 2,4,5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Soini et al. and George et al. as applied to claim 1 above and in further view of Hazzard et al..

Regarding claims 2,4 and 5, the combination of Miller, George et al. and Soini et al. differs from claims 2,4 and 5 of the present invention in that they do not explicit disclose a

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recharging cradle, the recharging cradle is a synchronization cradle, and the synchronization cradle includes electrical connector that is configured to couple to the recharging connector. Hazzard et al. teaches a handheld computer device (PDA) (fig. 2 number 12) comprising a recharging cradle (docking cradle) (paragraph 0024 lines 1-6 and fig. 10 number 14), the recharging cradle is a synchronization cradle (paragraph 0023 lines 8-11, paragraph 0024 lines 1-6 and fig. 10 number 14), and the synchronization cradle (docking cradle) includes electrical connector (fig. 10 numbers 36,34,40 and 42 and paragraph 0027 lines 1-19) that is configured to couple to the recharging connector (i.e. the recharging connector attached to the rechargeable battery of the PDA, that is charged while the PDA is connected to the docking cradle) (paragraph 0027 lines 1-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Miller, George et al. and Soini et al. with a recharging cradle, the recharging cradle is a synchronization cradle, and the synchronization cradle includes electrical connector that is configured to couple to the recharging connector in order to provide the charging capabilities within the cradle, which saves power within the data phone and allows the data phone battery to be recharge while held within the

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cradle, synchronize data within the data phone with a wireless synchronized server computer to make sure data within the data phone and wireless server are synchronized while providing charge to the data phone battery in case the battery runs low, as taught by Hazzard et al..

Regarding claim 6, the combination of Miller, George et al. and Soini et al. differs from claim 6 of the present invention in that they do not explicit disclose the electrical connector is configured to couple to a data connector on the handheld computer. Hazzard et al. teaches the electrical connector (fig. 10 input/output (I/O) numbers 34,40 and 42 and paragraph 0027 lines 1-19) that is configured to couple to a data connector (fig. 10 number 36 I/O, paragraph 0023 lines 8-11 and paragraph 0027 lines 1-19) on the handheld computer (i.e. to synchronized data within the hand held computer (PDA) with another computer) (paragraph 0027 lines 1-19 and fig. 10 numbers 36,34,40,42 and I/O to computer (Sync)). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Miller, George et al. and Soini et al. with an electrical connector that is configured to a data connector on the handheld computer in order to synchronized data within the data phone

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with a personal computer to determined if the data phone and personal computer are compatible thereby program files between the data phone and personal computer can be updated or removed, as taught by Hazzard et al..

4. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soini et al. in view of Janik et al. and George et al..

Regarding claims 7 and 10, Soini et al. discloses a method of transmitting data (telefax or e-mail) over a radio frequency (RF) (radio) link from a handheld computer (Multi-service mobile station) (paragraph 0028 lines 8-15, paragraph 0029 lines 1-5, and paragraph 0038 lines 1-28) having a low battery charge (i.e. the battery level below preset limit value 1warning) (paragraph 0040 lines 1-16), comprising: providing the handheld computer (Multi-service mobile station) with a rechargeable battery (fig. 4 number 46) having a relatively low charge (paragraph 0040 lines 2-9); and establishing an RF link (paragraph 0038 lines 1-28) using a telephone module 42, (inherent, as a transceiver since the multi-service mobile station has reception and transmitting capabilities, taught in paragraph 0028 lines 8-15, paragraph 0032 lines 1-13 and fig. 4 number 42), if the rechargeable battery level is above the preset limit value 2warning 33, (i.e. below

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the preset limit value 2warning 33, a relative low charge being too low to transmit information using a transceiver of the multi-service mobile station) which cuts off power supply means 42 which are connected with the transmission and reception of messages by radio, paragraph 0040 lines 2-10). Soini et al. differs from claim 7 of the present invention in that it does not disclose coupling the handheld computer to a recharger; providing power from the charger to a transceiver of the handheld computer while the handheld computer is coupled to the recharger and establishing an RF link using the transceiver while providing power to the transceiver while the battery has a low charge and the handheld computer is coupled to the recharger. Janik et al. teaches a coupling a PDA (fig. 1 number 2) to a recharger (fig. 8 number 56 and paragraph 0043 lines 1-7); providing power from the charger to a transceiver (fig. 8 number 78) of the handheld computer (PDA) while the handheld computer (PDA) is coupled to the recharger (inherent, since the transceiver is connected to the PDA (fig. 8 number 78) while the PDA battery is being charged within the docking cradle (fig. 2 number 54), as taught in paragraph 0043 lines 1-7). George et al. teaches an apparatus for recharging a rechargeable battery in a hand held transceiver through a charging connector while maintaining communications capability through the transceiver (abstract,

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col. 1 lines 40-67 and fig. 2 number 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Soini et al. rechargeable battery with coupling the handheld computer to a recharger; providing power from the charger to a transceiver of the handheld computer while the handheld computer is coupled to the recharger and establishing an RF link using the transceiver while providing power to the transceiver while the battery has a low charge and the handheld computer is coupled to the recharger in order to charge the multi-service mobile station rechargeable battery when transmitting a telefax or e-mail message through a wireless network when the multi-service mobile station rechargeable battery is exhausted, as taught by Janik et al., and George et al..

Regarding claim 8, Soini et al. discloses providing power from the rechargeable battery to the transceiver (i.e. the rechargeable battery applies power so that the multi-service mobile station can transmit and receive messages through its telephone module 42, taught in paragraph 0040 lines 2-9).

Regarding claim 9, Soini et al. discloses a method of transmitting data (telefax or e-mail) as discussed supra in claim

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7 above. Soini et al. differs from claim 9 of the present invention in that it does not explicit disclose coupling the handheld computer to a synchronization cradle, the synchronization cradle having a charger connector. Janik et al. teaches coupling the handheld computer (PDA) to a synchronization cradle (paragraph 0006 lines 1-5 and paragraph 0039 lines 1-10 and fig. 1 number 54), the synchronization cradle (paragraph 0006 lines 1-5) having a charger connector (adapter-to-cradle-connector 24) (paragraph 0039 lines 1-10 and paragraph 0043 lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Soini et al. multi-service mobile station with coupling the handheld computer to a synchronization cradle, the synchronization cradle having a charger connector in order to synchronized data within the multi-service mobile station with a personal computer, and charge the rechargeable battery while resting on the cradle while sending and receiving telefax or e-mail messages when the power is cut off to the telephone module, as taught by Janik et al..

Regarding claim 11, Soini et al. discloses draining (voltage drops) of the rechargeable battery (46) to a charge level (preset limit value 2Warning) at which the transceiver is

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unable to establish an RF link (i.e. the transmission and reception of messages are cut off from the power supply which is connected to the telephone module 42 (transceiver), (paragraph 0040 lines 2-9).

Regarding claim 12, Soini et al. discloses receiving an e-mail message (paragraph 0028 lines 1-16).

Regarding claim 13, Soini et al. discloses receiving a cellular telephone call (mobile telephone call or speech message) (paragraph 0029 lines 1-14).

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Soini et al. and George et al. as applied to claims 14 and 15 above and in further view of Huat.

Regarding claim 17, the combination of Miller, George et al. and Soini et al. differs from claim 17 of the present invention in that they do not explicit disclose the computer program is an always-on e-mail program. Huat teaches a PDA consisting of an e-mail program, word processing program and a web browser program that are running concurrently (paragraph 0039 lines 6-12), and that only one program can be active at a

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time (paragraph 0039 lines 6-12), the program not active runs in the background (i.e. always-on) when an active computer program is activated (paragraph 0039 lines 6-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Miller, George et al. and Soini et al. with an always-on e-mail program in order to open multiple programs such as word processor or the organizer and still be able to receive incoming e-mail messages through the transceiver, as taught by Huat.

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Soini et al. and George et al. as applied to claim 14 above and in further view of Janik et al..

Regarding claims 18 and 19, the combination of Miller, George et al. and Soini et al. differs from claims 18 and 19 of the present invention in that they do not explicit disclose an expansion connector coupled to the processor, the expansion connector configured to couple to memory devices, and the RF transceiver is coupled to the expansion connector. Janik et al. teaches and expansion connector (adapter-to-PDA connector) (22) (paragraph 0039 lines 1-4) which is connected to PDA side serial port (fig. 8 number 130) coupled to a microprocessor (fig. 8

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numbers 90), the adapter-to-PDA connector (22) configured to couple to a DRAM and a flash memory (fig. 8 numbers 114 and 106), and a transceiver (fig. 8 number 78) is coupled to an expansion connector (22) (paragraph 0039 lines 1-4) which is connected to PDA side serial port (fig. 8 number 130).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Miller, George et al. and Soini et al. with an expansion connector coupled to the processor, the expansion connector configured to couple to memory devices, and the RF transceiver is coupled to the expansion connector in order for the controller of the data phone to separate the organizer functions from the voice communication functions and to receive instructions how to operate software programs when receiving and transmitting information wirelessly to a distant server, as taught by Janik et al..

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janik et al. in view of Soini et al and George et al., newly recited reference.

Janik et al. discloses a handheld computer (personal digital assistant or PDA) (fig. 1 number 2), comprising: an expansion module (LAN adaptor module) (14) (fig. 8 and paragraph

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0035 lines 1-2) including a rechargeable battery (fig. 8 number 86 and paragraph 0043 lines 4-11) and a radio frequency (RF) transceiver (fig. 8 number 78), the battery configured to power the transceiver when the battery has a charge above a predetermined low level (inherent, as the normal operating mode before the rechargeable battery needs to be charge by a battery charger, as taught in paragraph 0043 lines 4-11); a processor (fig. 8 number 90); a display (LCD) (fig. 1 number 6); and a module connector (22) (adapter to PDA connector) (paragraph 0039 lines 1-4) configured to couple to the expansion module (i.e. the adapter to PDA connector (22) that is connected to PDA side serial port (130) of the expansion module (LAN adaptor module) (14) (paragraph 0039 lines 1-4), the module receives power from a power source (battery charger) (paragraph 0043 lines 4-8) and provides power to the rechargeable battery (paragraph 0043 lines 4-11) and to the transceiver (inherent, since the transceiver is attached to the expansion module (LAN adaptor module) (14) (fig. 8 number 78 and paragraph 0043 lines 4-11)). Janik et al. differs from claim 20 of the present invention in that it does not explicitly disclose the transceiver configured to send and receive data while the battery charge is below the low level, the battery unable to power the transceiver, the low level being a level which the battery is unable to power the transceiver

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when the charge is below the level. Soini et al. teaches a multi-service mobile station used for data, notebook, PDA, mobile, and calendar services (paragraph 0001 lines 1-11 and paragraph 0014 lines 1-3) which a transceiver configured to send and receive data while the battery charge is below the low level (inherent, since a warning is given to the user through the display when the battery drops below a pre-limit value 1warning 32), if the voltage over the battery drops further below preset limit value 2warning 33, the multi-service mobile station cuts off power supply to the telephone module which are connected with the transmission and reception of messages by radio, as taught in paragraph 0040 lines 1-9 and since the data traffic is not cut off until the battery level drops below the preset limit value, power off 35, taught in paragraph 0042 lines 1-5), the battery unable to power the transceiver when the charge is below the low level (paragraph 0040 lines 7-10). George et al. teaches an apparatus for recharging a rechargeable battery in a hand held transceiver while maintaining communications capability through the transceiver when the rechargeable battery is unable to power the transceiver (abstract, col. 1 lines 9-18 and col. 1 lines 40-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller transceiver with the transceiver

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configured to send and receive data while the battery charge is below the low level, the battery unable to power the transceiver, the low level being a level which the battery is unable to power the transceiver when the charge is below the level in order for the PDA to continuous transmit and receive data when its battery is low, thereby providing continuous power to the transceiver when using the World Wide Web, as taught by Soini et al. and George et al..

Response to Arguments

8. Applicant's arguments filed June 9, 2005 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

Argument: Regarding claim 1, applicant alleges that George et al. do not disclose a handheld computer system which has the function of a radio frequency transceiver built into the handheld computer and which includes circuitry such that the transceiver is configured to send and receive data while the battery charge is below the low level and the recharger provides charge to the rechargeable battery.

Explanation: Examiner agree with applicant that George et al. does not explicit disclose a handheld computer. However, George teaches a hand held transceiver that has the function of a radio frequency transceiver such that the transceiver is configured to send and receive data while a recharger provides charge to a rechargeable battery (col. 1 lines 40-67). Miller teaches a data phone (hand held computer with transceiver). The Soini et al. reference teaches a multi-service mobile station (computer)

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used for data, notebook, PDA, mobile, and calendar services (paragraph 0001, lines 1-11 and paragraph 0014 lines 1-3) which a transceiver configured to send and receive data while the battery charge is below the low level (inherent, since a warning is given to the user through the display when the battery drops below a pre-limit value 1warning 32), if the voltage over the battery drops further below preset limit value 2warning 33, the multi-service mobile station cuts off power supply to the telephone module which are connected with the transmission and reception of messages by radio, as taught in paragraph 0040 lines 1-9 and since the data traffic is not cut off until the battery level drops below the preset limit value, power off 35, taught in paragraph 0042 lines 1-5), the battery unable to power the transceiver when the charge is below the low level (paragraph 0040 lines 7-10). The George et al. and Soin et al. reference was used to modify the Miller data phone so that the data phone could to continuous transmit and receive data while the rechargeable battery is recharging, thereby providing continuous power to the transceiver while powering the battery when using internet service.

Argument: Applicant alleges that there is no teaching or motivation to combine George et al., Miller, and Soin et al..

Explanation: Examiner respectfully disagrees, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. It is not necessary that the reference actually suggest, expressly or in so many words the changes or improvements that applicants has made. The test for combine references is what the references as a whole would have

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suggested to one of ordinary skill in the art. Miller teaches a handheld computer system (portable data phone which provides internet and organizer functions) (fig. 1 number 22 and col. 3 lines 65 through col. 4 line 23), comprising a housing (col. 3 lines 19-24), a display (screen) (fig. 1 number 26), a processor (controller) coupled to the display (screen) (fig. 1 numbers 24 and 26), a rechargeable battery (fig. 1 number 40) configured to power the processor (controller) and the display (screen) (col. 4 lines 24-30), a recharging connector (inherent, as the rechargeable battery is connected to an external power source 52, as taught in col. 4 lines 26-50) in coupled to the rechargeable battery (col. 4 lines 23-50), a recharger (DC power supply, switch, filter, feedback control circuit and feedback sensor) coupled to the recharging connector (col. 4 lines 27-50) which provides charge to the rechargeable battery (col. 4 lines 27-50), and a radio frequency transceiver (fig. 1 number 34) coupled to the processor (fig. 1 numbers 35 and 24 and col. 4 lines 11-14) and powerable by the battery (col. 4 lines 12-30), when the battery has a charge above a predetermined low level (inherent, as the normal operating mode before needing to be charged by charger or need of a replacement of batteries, as taught in col. 4 lines 23-27), and the charger provides charge to the rechargeable battery (col. 4 lines 26-50) and to the

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transceiver (i.e. the transceiver 34 is connected to the rechargeable battery 40 when connected to the DC supply 52 while the rechargeable battery is being charged) (fig. 1 numbers 34, 40 and 52 and col. 6 lines 6-50) and the rechargeable battery can be charged while simultaneously operating the data phone (col. 4 lines 6-30). The Soini et al. reference teaches a multi-service mobile station used for data, notebook, PDA, mobile, and calendar services (paragraph 0001 lines 1-11 and paragraph 0014 lines 1-3) which a transceiver configured to send and receive data while the battery charge is below the low level (inherent, since a warning is given to the user through the display when the battery drops below a pre-limit value 1warning 32), if the voltage over the battery drops further below preset limit value 2warning 33, the multi-service mobile station cuts off power supply to the telephone module which are connected with the transmission and reception of messages by radio, as taught in paragraph 0040 lines 1-9 and since the data traffic is not cut off until the battery level drops below the preset limit value, power off 35, taught in paragraph 0042 lines 1-5), the battery unable to power the transceiver when the charge is below the low level (paragraph 0040 lines 7-10). The George et al. reference teaches an apparatus for recharging a rechargeable battery in a hand held transceiver while maintaining communications

capability through the transceiver when the rechargeable battery is unable to power the transceiver (abstract, col. 1 lines 9-18 and col. 1 lines 40-67). The motivation for combining George et al., Miller, and Soin et al. is to modify Miller data phone to continuous transmit and receive data while the rechargeable battery is recharging, thereby providing continuous power to the transceiver while powering the battery when using internet service, as taught by Soini et al. and George et al..

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
July 14, 2005

KEITH FERGUSON
PRIMARY EXAMINER
